



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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the Handbook

# **Chapter I**

## **General Registrar/ Director of Elections**

June 2018

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## I. General Registrar/Director of Elections

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| <b>ADDITIONAL RESOURCES</b><br><br><a href="#">Virginia Attorney General Opinion No. 14-046</a><br><a href="#">Virginia Attorney General Opinion No. 03-068</a><br><a href="#">Virginia Attorney General Opinion No. 05-030</a><br><a href="#">Appropriations Act, Item 87</a><br><a href="#">Federal Jury Service qualifications</a><br><br><a href="#">LIBRARY OF VIRGINIA RETENTION SCHEDULE</a> | <b>REGULATIONS</b><br><br><a href="#">1VAC20-20-50 Fee for Non-Attendance at Annual Training</a><br><a href="#">1VAC20-20-70 Duty to Request Assistance and to Notify Voters of Denial of Applications for Voter Registration or Absentee Ballots</a><br><a href="#">1VAC20-20-80 Complaints</a><br><a href="#">1VAC20-40-90 Voter Photo Identification Cards</a><br><a href="#">1VAC20-60-60 Provisional Votes</a> |

### I.1 CHAPTER ORGANIZATION

This chapter discusses the role of general registrar or director of elections. §1.2 outlines general registrars' duties; discusses how local electoral boards appoint, remove, compensate, and support their general registrars; addresses the role of assistant registrars and other staff; offers suggestions on building relationships with other local government officials; and notes activities considered inappropriate for the position. §1.3 discusses requirements for the voter registration office. §1.4 briefly addresses how localities are to maintain their records and documents. §1.5 focuses on the process of reimbursement of localities for their compensation of general registrars and electoral boards. §1.6 provides guidance for using funding from grant programs established by ELECT, and explains how localities are to inventory and manage their assets. §1.7 discusses establishing a voter registration office at local Department of Motor Vehicles facilities.

### I.2 THE GENERAL REGISTRAR

Virginia has 133 independent cities and counties, ranging in population from under 3,000 to over 1 million. Each independent city and county has one general registrar and a three-member electoral board.<sup>1</sup> These four individuals are responsible for virtually all aspects of voter registration and election administration in their locality. As an appointed official, the general registrar is typically the public face of the local electoral process.

<sup>1</sup> See the Code of Virginia §§24.2-106 (local electoral boards) and 24.2-110 (general registrars)



## I.2.1 Duties

### I.2.1.1 Duties in general

The Code of Virginia describes the duties of the general registrar and the electoral board throughout the Code. The most comprehensive (but not exhaustive) list can be found in §24.2-114. The responsibilities listed in the Code are summarized below, but review Appendix A for the actual language of the Code section. General registrars are to:

- Maintain the office of the general registrar and establish and maintain additional public places for voter registration.<sup>2</sup>
- Participate in programs to educate the general public and encourage registration.<sup>3</sup>
  - However, registrars cannot actively solicit applications for registration in a selective manner, or offer anything of value for an application.<sup>4</sup>
- Perform duties within the county or city they are appointed to serve.<sup>5</sup>
  - There are two exceptions to this: registrars may, in order to register voters of their own county or city, go into a county or city within the Commonwealth that borders their own and conduct registration jointly with the registrar of that county or city; and registrars may participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.<sup>6</sup>
- Provide voter registration forms.<sup>7</sup>
- Indicate, when appropriate, that the registrant has registered by mail.<sup>8</sup>
  - People who register by mail must be identified as such on the registration records, lists of registered voters, lists of people who voted, and pollbooks used for the election.<sup>9</sup>
- Accept voter registration applications and requests for a transfer or change of address from residents of any county or city in the Commonwealth. For residents of another registrar's county or city, process in VERIS their completed applications or requests and forward them to the registrar of that county or city. For residents of registrar's own county or city, determine applicant's eligibility to register, including checking for felony conviction and restoration of rights. Promptly notify the applicant of approval or denial.<sup>10</sup>
- Preserve order at and in the vicinity of the place of registration. To that end, registrars may:
  - Exclude people whose presence disturbs the registration process from the place of registration
  - Appoint special officers for the place of registration (no more than three)

<sup>2</sup> See the Code of Virginia §24.2-114 (1).

<sup>3</sup> *Id.*, at (2).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*, at (3).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*, at (4).

<sup>8</sup> *Id.*, at (5).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*, at (6).



- Summon people in the vicinity to assist whenever, in the registrar's opinion, it becomes necessary to preserve order.<sup>11</sup>
- Maintain the official registration records for their county or city in the voter registration system. This includes:
  - Preserving the written applications of all people whose registrations were approved
  - Preserving the written applications of all people whose registrations were denied or cancelled, for a period of four years.<sup>12</sup>
- Promptly notify, in writing, people whose applications have been denied, of the denial of their application and the reason for the denial.<sup>13</sup>
- Immediately notify ELECT if experiencing difficulty processing applications for voter registration or absentee ballots in a timely manner.<sup>14</sup>
- Make the pollbooks available to the precincts, and, if using paper pollbooks, provide a copy to ELECT after each election for voting credit purposes.<sup>15</sup> For more information, please see Chapter 4 (Voting Equipment).
- Retain the pollbooks in their principal office for **two years from the date of the election**.<sup>16</sup>
- Maintain accurate and current registration records and comply with all Code requirements for the transfer, inactivation, and cancellation of voter registrations.<sup>17</sup> Please refer to Chapter 9 (Records Access and Retention) for more information regarding the transfer, inactivation, and cancellation of voter registrations.
- Update the voter registration system to reflect changes to election districts, precincts, or polling places and notify each affected voter of these changes by mail.<sup>18</sup>
- When part of the registrars' county or city becomes part of another locality, transfer registration records of affected voters to the appropriate general registrar.
  - The general registrar of the voter's *new* locality is to notify the voter, by mail, of the change.<sup>19</sup>
- Notify the appropriate authority when a person registers who was previously registered in another state. Electronically provide the authority in that state with the information contained in that person's registration application.<sup>20</sup>
- When a person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about that person's registration and voting history from authorities of other states. When authorities of other states conduct such inquiries, cooperate with them by providing information from the voter's registration and voting records.<sup>21</sup>



<sup>11</sup> *Id.*, at (7).

<sup>12</sup> *Id.*, at (8).

<sup>13</sup> *Id.*, at (9).

<sup>14</sup> See Virginia Administrative Code [IVAC20-20-70](#).

<sup>15</sup> See the Code of Virginia §24.2-114 (10).

<sup>16</sup> *Id.*, at (11).

<sup>17</sup> *Id.*, at (12).

<sup>18</sup> *Id.*, at (13).

<sup>19</sup> *Id.*, at (14).

<sup>20</sup> *Id.*, at (15).

<sup>21</sup> *Id.*, at (16).



- Review nominating petitions at the request of political party chairs, but only if the political party is nominating a candidate for a state legislative, constitutional, or local office, through a method other than a primary. Determine whether the signatures are from registered voters with an active status.<sup>22</sup>
- Attend annual training program provided by ELECT.
  - If unable to attend because of a personal or family emergency, the general registrar may designate one staff member to attend.<sup>23</sup>
- Make adequate advance preparations to enable prompt counting of absentee ballots returned by mail before polls close on election day.<sup>24</sup>
- Make free photo identification cards available to eligible applicants according to ELECT instructions.<sup>25</sup>
- In the capacity of director of elections, carry out other such duties prescribed by the local electoral board.<sup>26</sup>

### 1.2.1.2 Duties Delegated by Electoral Boards

The statutory responsibilities of general registrars and electoral board members are enumerated in several places in the Code of Virginia.<sup>27</sup>

Electoral boards may delegate many, but not all, of their duties to the general registrar. Core supervisory functions such as protection of ballots,<sup>28</sup> evaluation of the registrar's performance, appointment of officers of election representative of political parties, and certification of election results may not be delegated.

The number and type of administrative duties properly delegated varies greatly from locality to locality, especially in larger localities with larger staff. Electoral boards should be mindful of the many duties that the general registrar is legally required to perform and should have an awareness of the resources available to the registrar. If the general registrar needs additional staff to perform additional duties, particularly if those duties are delegated by the electoral board, the board should work with the local governing body to obtain adequate staffing. According to the Virginia Attorney General, Virginia Code §24.2-112 authorizes the general registrar, at their discretion to hire additional temporary, part time employees when necessary. The governing body of that locality **must compensate** those employees as provided for by law.<sup>29</sup>

<sup>22</sup> *Id.*, at (17).

<sup>23</sup> *Id.*, at (19).

<sup>24</sup> See the Code of Virginia §24.2-709.1.

<sup>25</sup> See the Code of Virginia §24.2-404(A)(3) [and Virginia Administrative Code 1VAC20-40-90](#).

<sup>26</sup> See the Code of Virginia §24.2-114 (18). 2015 legislation added the title “director of elections” to describe the general registrar’s role in performing electoral board duties reassigned to the general registrar, particularly duties related to absentee voting and campaign finance.

<sup>27</sup> See the Code of Virginia §§ 24.2-106, 24.2-106.01, 24.2-106.1, 24.2-107, 24.2-108, 24.2-109, 24.2-109.1, and 24.2-114 (this is a non-exhaustive list).

<sup>28</sup> See *Xippas v. Commonwealth*, 141 Va. 497, 126 S.E. 207 (1925)

<sup>29</sup> See [Virginia Attorney General Opinion No. 14-046](#) (Oct. 1, 2014).



### 1.2.1.3 *Delegation of Duties from local electoral board to general registrar*

The general registrar and electoral board should meet and develop a list of duties that are delegated to the registrar. The general registrar and electoral board should review this list annually and determine if changes are needed. Any changes in the duties delegated to the registrar should be adopted at a public board meeting and included in the minutes of the meeting.

Any delegation of duties to the general registrar should be:

- (1) clearly spelled out in the meeting minutes or should be included in the job description for the general registrar,
- (2) adopted only after discussion with the general registrar, and
- (3) adopted at an electoral board meeting and included in the minutes of that meeting.

Delegation to the general registrar does not absolve the electoral board of legal responsibility for management of elections.

### 1.2.1.4 *Duties Related to Officers of Elections*<sup>30</sup>

- The general registrar will submit a plan to the electoral board that ensures that an adequate number of trained officers of election are available to serve in each election.<sup>31</sup>
- If the electoral board appoints a chief or assistant chief officer not affiliated with a political party, the general registrar must notify political parties within 10 days to allow for additional nominations.<sup>32</sup>
- When an electronic voting machine is taken outside the polling place to assist a voter, if the required information is not recorded or it is later proven the information recorded was intentionally falsified, the electoral board or general registrar will dismiss, at a minimum:
  - the chief officer or the assistant chief officer or both
  - any other officer of election shown to have caused the failure to record or intentional falsification<sup>33</sup>
- The electoral board must ensure that the general registrar certifies to ELECT that training of the officers of election has been conducted consistent with training standards passed by the State Board of Elections.<sup>34</sup>
- The electoral board or the general registrar is responsible for instructing any officer of election not previously instructed on voting equipment used in the precinct, no fewer than three and no more than 30 days before the election.<sup>35</sup>
- An electoral board member, the general registrar, or designated officer of election must give an oath to each officer of election before the polls open.<sup>36</sup>

<sup>30</sup> For electoral board duties related to officers of elections, see Chapter 2: Local Electoral Boards.

<sup>31</sup> See the Code of Virginia §24.2-115 and §24.2-115.2.

<sup>32</sup> *Id.*

<sup>33</sup> See the Code of Virginia §24.2-638.

<sup>34</sup> See the Code of Virginia §§24.2-115.2(C) (requiring certification), and 24.2-103(B) (training standards).

<sup>35</sup> See the Code of Virginia §24.2-636; see also Chapter 2: Local Electoral Boards.

<sup>36</sup> See the Code of Virginia §24.2-611.



- The secretary of the electoral board or the general registrar must post a list of all appointed officers of election in the office of the general registrar. Whenever substitute or additional officers are appointed, the secretary or the general registrar must promptly add the name of the appointee to the public list.<sup>37</sup> This list is open to public inspection in the general registrar's office. The secretary of the electoral board or the general registrar must provide a copy of this list to any requesting political party or candidate, at a reasonable charge.<sup>38</sup>

#### 1.2.1.5 Duties Related to Polling Places

In addition to administering the locality polling places and precincts, the general registrar must take steps in an emergency to change the polling place. Find more information about administering polling places in Chapter 3 Precincts and Polling Places and more information about accessibility requirements in Chapter 5 Accessibility.



- If an emergency makes a normal polling place unusable or inaccessible, the electoral board or the general registrar must **request emergency approval of a replacement polling place, fully compliant with ADA guidelines, by ELECT.**

**Form:** Email the completed *Emergency Polling Place Relocation Approval Request form SBE-310* to [policy@elections.virginia.gov](mailto:policy@elections.virginia.gov).

- Upon receipt of ELECT approval, give notice of the change to voters.
- The electoral board or the general registrar must provide and have posted at each polling place signs directing voters with disabilities and elderly voters to special accessible entrances.<sup>39</sup>
- The electoral board or the general registrar must provide voting booths to each polling place, including at least one designed for voting paper ballots. Voting booths must be well-lit, and must permit a voter to cast their ballot in secret.<sup>40</sup>

#### 1.2.1.6 Duties Related to Candidates



- Through VERIS, the general registrar must provide ELECT, after the filing deadline for each election, a list of all offices to be filled and the names of all candidates who have filed for each office, including the names of any candidates who failed to qualify.<sup>41</sup>
- The general registrar must notify each disqualified candidate and enter the reason for their disqualification into VERIS.<sup>42</sup> If you have additional questions, please contact [verishelp@elections.virginia.gov](mailto:verishelp@elections.virginia.gov).
- A general registrar must also accept Statements of Economic Interests from candidates for a **constitutional office**.

<sup>37</sup> See the Code of Virginia §24.2-115.

<sup>38</sup> *Id.*

<sup>39</sup> See the Code of Virginia §24.2-604.1.

<sup>40</sup> See the Code of Virginia §24.2-609 and Chapter 4 (Voting Equipment).

<sup>41</sup> See the Code of Virginia §24.2-612.

<sup>42</sup> *Id.*





**Law Note (HB 1854 and HB 1933)**

During the General Assembly's 2017 session, the legislature passed two bills related to general registrar duties with regard to candidates.

**HB 1854** directs candidates for a **constitutional office** to file a Statement of Economic Interest form with the local general registrar.

**HB 1933** provides that a candidate who is qualified to appear on the ballot must submit a signed, written notice of intent to withdraw to the general registrar of the locality they reside in. The bill also requires general registrars to take certain affirmative steps to notify other general registrars and the public of the withdrawal; if the ballots cannot be changed, the general registrar must post a list of withdrawn candidates.

### Frequently Asked Questions

#### *What is a **constitutional office**?*

Each county and city elect five constitutional offices. These offices are:



**Treasurer**

**Sheriff**

**Commonwealth's Attorney**

**Clerk of Court**

**Commissioner of Revenue**

The Constitution of Virginia, Art. VII, Section 4 states that qualified voters of each county and city shall elect "a treasurer, a sheriff, an attorney for the Commonwealth, a clerk, who shall be clerk of the court in the office of which deeds are recorded, and a commissioner of revenue."

#### *1.2.1.7 Duties Related to Special Elections*

The general registrar must provide public notice of each special election as soon as a copy of the writ of special election is received. The general registrar should post notice:

- On the official website for the county or city, or
- In at least 10 public places, or
- In a newspaper of general circulation in their locality, at least 10 days before the election

If the special election is held in more than one locality, the general registrars may act jointly to provide notice.<sup>43</sup>

#### *1.2.1.8 Duties Related to Town Elections<sup>44</sup>*

The electoral board, along with the general registrar, must conduct elections for any town within its county and any town whose major portion is within its county.

<sup>43</sup> See the Code of Virginia §24.2-683.

<sup>44</sup> See the Code of Virginia §24.2-601.



For November elections for town offices in any town split between two counties, the electoral board of the county in which the lesser part of the town is located shall (i) include town offices on the ballot for the county, and (ii) report the results ascertained for those town offices to the electoral board of the county in which the greatest part of the town is located for inclusion in the results of that county pursuant to §24.2-671.

#### 1.2.1.9 Duties Related to Ballots

The general registrar must order the printing of a sufficient number of ballots for each election. This number is subject to the approval of both the local electoral board and ELECT. This determination should be based on the number of active registered voters and historical election data such as past voter turnout.<sup>45</sup>

The general registrar must send absentee ballots to requestors no later than 45 days before any election; after the 45 day deadline, the general registrar must send absentee ballots to requestors within three business days of receiving a completed absentee ballot application. In the case of a nonfederal special election, if time is insufficient to meet the deadline, the registrar must send the ballots as soon after the deadline as possible.<sup>46</sup>

The general registrar must certify compliance with the Absentee Ballot deadline to ELECT and report the number of ballots ordered.<sup>47</sup> ELECT issues electronic surveys for this purpose, and may direct the printing of additional ballots as per the Code of Virginia §24.2-612.



#### Regulation Note

**1VAC20-20-70: Duty to Request Assistance and to Notify Voters of Denial of Applications for Voter Registration or Absentee Ballots.** General registrars should notify the secretary of the board of elections if he or she is having difficulty processing applications for voter registration or absentee ballots in a timely fashion in order to maintain in compliance with state and federal law (20-20-70(A)). If a registration or absentee ballot application is denied, the general registrar should provide the applicant with specific reasons why it was denied (20-20-70(B)). The board will automate this process through standard correspondence and the statewide voter registration system (20-20-70(B)).

The general registrar must send ELECT proofs of each ballot for verification and copies of each final ballot by US mail.<sup>48</sup>

**Representative of electoral board to be present at printing.** The electoral board or the general registrar must designate one person to be continuously present in the room where and when the ballots are being printed. If not an electoral board member, the designee must be paid at least \$20 per day.<sup>49</sup>

<sup>45</sup> See the Code of Virginia §24.2-612.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> See the Code of Virginia §24.2-617.



**Delivery of ballots to electoral board; checking and recording number.** The electoral board or the general registrar must designate one of its members, the general registrar, or an employee, to receive the ballots after they are printed and certify the number received. The certificate must be filed with other election materials.<sup>50</sup>

**Sealing ballots.** The electoral board or the general registrar must designate a person to affix the electoral board seal to each ballot and to sign a statement witnessing such. This statement must be filed with the board's minutes. If not an electoral board member, the person must be paid at least \$20 per day.<sup>51</sup>

**Dividing ballots into packages for each precinct; delivery of absentee ballots.** The electoral board or the general registrar must have the printed ballots sorted into one or more packages for each precinct while at least one electoral board member or designee of the board is present. The packages must remain in the exclusive possession of the general registrar until delivered to the officers of election of each precinct.<sup>52</sup> Any unused ballots at the close of the polls on election day should be sent by the general registrar to the clerk of the circuit court.

**Delivery of packages to officers; opening packages.** The secretary of the electoral board, a designated employee or member of the board, the general registrar, or an assistant registrar designated by the board, must deliver the packages of ballots to an officer of election of each precinct. The designee must obtain a receipt for each package and a certificate that the seals are unbroken.<sup>53</sup>

#### 1.2.1.10 Duties Related to Voting Equipment

**Voting equipment custodians.** The board and general registrar must employ a person or persons (called "custodians") to program, maintain, test, calibrate, and deliver each voting machine before each election. **Custodians must be appointed and instructed at least 30 days before each election.**

A board member or an assistant registrar may be appointed by the board or general registrar to serve as custodian without pay for that service. However, whenever the law requires the presence of both a board member or registrar and a custodian, the same person cannot fulfill both roles.<sup>54</sup>

With the approval of ELECT, the electoral board or general registrar may contract with the voting equipment vendor or another contractor to program, prepare, and maintain the voting machines. If this is done, the custodian's role will be to instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating, and delivering of the equipment.<sup>55</sup> For more information, see Chapter 4, Voting Equipment.

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<sup>50</sup> See the Code of Virginia §24.2-618.

<sup>51</sup> See the Code of Virginia §24.2-619.

<sup>52</sup> See the Code of Virginia §24.2-620.

<sup>53</sup> See the Code of Virginia §24.2-621.

<sup>54</sup> See the Code of Virginia §24.2-632.

<sup>55</sup> *Id.*, at (A).



A board member, an authorized representative of the electoral board, or the general registrar must be present at the final testing of each machine before each election. Again, if a board member is serving as custodian, another board member must be present. The electoral board or general registrar may only authorize a representative to be present in their place if it is impracticable for a board member or general registrar to attend.<sup>56</sup>

**Notice of final testing of voting system.** The general registrar must notify appropriate local party chairs (or independent candidates for a city or town election if there are no party nominees on the ballot for any office) of the time and place of the final testing and sealing of the voting equipment. The notice must be in writing and sent by mail. Each political party or candidate notified must be allowed to have one representative present to witness the testing and sealing.<sup>57</sup>

**Locking and securing after preparation.** The general registrar must retain custody of all voting machine keys after the machines have been sealed.<sup>58</sup> The board or the general registrar must deliver the keys in sealed packages to designated officers of election in each precinct before the polls open.<sup>59</sup> The board or the general registrar may designate times and places for demonstrating and instructing the public on the proper use of the machines.<sup>60</sup> The general registrar must keep custody of all voting equipment and maintain it in proper repair.<sup>61</sup>

#### 1.2.1.11 *Duties Related to Election Day*<sup>62</sup>

**Materials at polling places.** The local electoral board is responsible for ensuring the general registrar has all voting equipment, furniture, and materials at the polling places before the polls open.<sup>63</sup> The general registrar must furnish a copy of the Virginia Election Laws to each precinct for use by the officers of election on election day.<sup>64</sup>

**Sample ballots.** The board or general registrar must furnish two sample ballots to each precinct. These must be posted for public inspection at each polling place on election day.<sup>65</sup> The general registrar must provide, to each polling place, a model of or materials displaying the ballot facing-portion of the voting system in use, in order to instruct voters on how to use the machine.<sup>66</sup>

#### 1.2.1.12 *Duties Following the Election, Primary, or Referendum*



The board or general registrar may direct the return of all materials from the precincts to the office of the general registrar instead of to the Clerk of the Circuit Court. The general registrar must secure and retain these materials in their office, and must convey them to the Clerk of the Circuit Court by noon on the day following the electoral board's ascertainment of the results.<sup>67</sup>

<sup>56</sup> *Id.*

<sup>57</sup> See the Code of Virginia §24.2-633.

<sup>58</sup> See the Code of Virginia §24.2-634.

<sup>59</sup> See the Code of Virginia §24.2-639.

<sup>60</sup> See the Code of Virginia §24.2-635.

<sup>61</sup> See the Code of Virginia §24.2-637.

<sup>62</sup> For electoral board duties related to election day, see Chapter 2, Local Electoral Boards.

<sup>63</sup> See the Code of Virginia §§24.2-610 and 24.2-637.

<sup>64</sup> See the Code of Virginia §24.2-610.

<sup>65</sup> See the Code of Virginia §24.2-641.

<sup>66</sup> See the Code of Virginia §24.2-647.

<sup>67</sup> See the Code of Virginia §24.2-668(B).



The general registrar must retain one copy of the statement of results for public inspection.<sup>68</sup>

#### 1.2.1.13 Duties Related to Absentee Balloting

The general registrar provides a ballot and other absentee materials to each registered applicant who properly submits a timely and complete application form no later than 45 days before any election; after the 45 day deadline, the general registrar must send absentee ballots to requestors within three business days of receiving a completed absentee ballot application.<sup>69</sup>



**A five-day waiting period** is required for persons who concurrently **apply to register in-person and also apply to vote absentee**, with limited exceptions for military and overseas citizens.<sup>70</sup>

The general registrar must certify to ELECT that absentee ballots were sent to applicants by the date required by law and must provide certain information required to ensure compliance with absentee voting deadlines.<sup>71</sup>

The general registrar must make applications for absentee ballots available and accept them electronically.<sup>72</sup> The general registrar must send absentee ballots electronically to eligible absent military and overseas voters who request.<sup>73</sup>

The general registrar must provide a voting assistance form to any voters who indicate that they need assistance due to blindness, disability, or inability to read and write.<sup>74</sup>

The general registrar must rule on any request for an emergency absentee ballot from an incapacitated voter where the cause of the voter's emergency incapacity is not one of the reasons specified in the Code.<sup>75</sup>

The general registrar must note, and preserve, any absentee ballot returned unused.<sup>76</sup>

The general registrar must provide a provisional ballot to anyone who lost, returned unused, did not receive, or accidentally spoiled their absentee ballot.<sup>77</sup>

The board, or the general registrar, must mark the date of receipt of any absentee ballot and deposit it in an appropriate container.<sup>78</sup>

On the day before the election, the general registrar must compose a list (in triplicate) of the names of everyone who applied for an absentee ballot through the third day before the election. By noon on the day before the election, the general registrar must deliver two copies of the list to the electoral board.<sup>79</sup> The general registrar keeps one copy for their records.

<sup>68</sup> *Id.*

<sup>69</sup> See the Code of Virginia §24.2-706.

<sup>70</sup> See the Code of Virginia § 24.2-701(A)

<sup>71</sup> See the Code of Virginia §24.2-612.

<sup>72</sup> See the Code of Virginia §24.2-701.

<sup>73</sup> See the Code of Virginia §24.2-706.

<sup>74</sup> See the Code of Virginia §24.2-704.

<sup>75</sup> See the Code of Virginia §24.2-705.

<sup>76</sup> See the Code of Virginia §24.2-708(A).

<sup>77</sup> See the Code of Virginia §24.2-708 and 1 VAC 20-60-60 *Provisional Ballots*.

<sup>78</sup> See the Code of Virginia §24.2-710.

<sup>79</sup> *Id.*



The general registrar must compose a supplementary list of everyone who voted absentee in person, or who applied for an emergency absentee ballot. The general registrar must deliver this list to the chief officer of election for every precinct by 5pm on the day before the election.<sup>80</sup>

The general registrar must deliver all applications for absentee ballots, under seal, to the Clerk of the Circuit Court before noon on the day following the election.<sup>81</sup>

Any person who fails to discharge their duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in the Code of Virginia §24.2-1001(A).

### I.2.2 Appointment

The electoral board for each county and city meets every four years (starting from the month of May or June) to appoint the general registrar. The appointment is for a four-year term to begin the first of July of the year of appointment. The electoral board fills any vacancy for the remainder of an unexpired term.<sup>82</sup> The appointment is for this specific term and is not subject to grievance procedures. Immediately after the meeting to appoint the general registrar, the secretary of the electoral board must certify the appointment to ELECT using the General Registrar Certification of Appointment form.

#### I.2.2.1 Job Qualifications

The general registrar should fit the following roles and have the following qualifications:

- A planner capable of assessing the current and future needs of citizens, establishing a schedule to meet those needs, and managing all phases of the registration process.
- An administrator able to manage all phases of the registration process, and the employees and volunteers responsible for its accomplishment.
- A budget analyst with the ability to determine the financing required for an effective registration program, and to obtain necessary funds by providing justification to the local governing body and working with local officials.
- A human resources officer capable of assessing the qualifications of prospective paid or volunteer assistant registrars and clerical employees who may be needed.
- A trainer capable of training all assistant registrars, clerical employees, and, if delegated to do so, election officials, in the proper and efficient performance of their duties.
- A writer with the skills to compose press releases, legal notices, correspondence, and manuals.
- A public relations expert for (or at minimum capable of appropriate and non-partisan) dealing with citizens, the press, the local government, the state government, and the federal government.
- A public speaker willing to speak before the public about the election process.

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<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> See the Code of Virginia §24.2-110.



- A person with technical ability able to understand and manage the technical aspects of the position such as creating mail merge documents (e.g., for correspondence with voters), using spreadsheets (e.g., for budget preparation) and using presentation software (e.g., for training officers of election).
- A monitor able to track and analyze federal and state legislative initiatives and voting trends to project the potential future impact on the locality, and to provide meaningful information to legislators when appropriate.
- An individual capable of quickly familiarizing herself with the locality and its citizens in order to establish a registration and voter education plan that best meets the needs of the locality.

The person appointed general registrar may not be all of these things when appointed but must become all of them or the registration and election processes will suffer.

The general registrar is instrumental in disseminating information to the public about the voting process. Press releases, public service announcements, and informational speeches are essential tools for public education. Application displays can be arranged in highly visible locations that are frequented by citizens of the locality. In-person registration schedules can be arranged so that the registrar is available to the public at popular events and places. In particular, visits to local high schools once or twice each year provide excellent opportunities to educate students. If general registrar staff will be accepting registration applications, the location must be open to the general public, accessible to disabled people and the elderly, and the hours must be preannounced.<sup>83</sup> The general registrar must know the county or city and the habits of its citizens in order to establish a registration plan that is responsive to the locality.

#### Case Note



On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice. For more information, see *Shelby County v. Holder*, 570 U.S. 2 (2013).

### I.2.3 Oath of Office

Each general registrar must, as soon as possible and not later than June 30, take and sign the oath of office prescribed in Va. Const. Art. II, § 7. Note that the Code provides more limited options for administering the registrar's oath than for administering the oath for the registrar's staff. A local judge or the Circuit Court Clerk will normally need to be called on to administer the registrar's oath. In contrast, the registrar may administer the oath for the registrar's staff.<sup>84</sup>

<sup>83</sup> See the Code of Virginia §24.2-412; see also §24.2-413. But see §24.2-412 (B) (detailing no need for public announcement if ongoing agreement in place).

<sup>84</sup> See the Code of Virginia §24.2-120.



The general registrar must file the signed oath with the Circuit Court Clerk. This document is available from the Clerk. A copy of the signed oath also must be filed with the secretary of the electoral board.<sup>85</sup>

The secretary of the electoral board must ensure that the oath is taken and filed by the general registrar appointed by the Board. Failure to take it before acting as general registrar is punishable by a fine of not less than \$100 or more than \$1,000.<sup>86</sup>

#### I.2.4 The General Registrar and Political Activity

As per the Code of Virginia §24.2-110, “No general registrar shall serve as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of their locality.” The statute does not define “volunteer worker,” so the plain and ordinary meaning is used (i.e., a person who, of their own free will, provides services, without any financial gain).<sup>87</sup> There has been some question over the years as to whether §24.2-110 prohibits contributing to candidates, placing bumper stickers on private vehicles, and the like. Being in a job involving politics, it is natural that a registrar will have political leanings and may have come from a campaign background. While the law does not require a registrar to be apolitical, registrars must perform their duties in a nonpartisan manner.<sup>88</sup> In particular, registrars should do nothing that might cause the public to perceive favoritism for one candidate over another. The Code expressly prohibits the general registrar from selectively soliciting registration or offering incentives for applications.<sup>89</sup>

#### I.2.5 Notary Services

Any person appointed as a member of an electoral board or a general registrar shall be **prohibited from collecting any fee as a notary** during the time of such appointment.<sup>90</sup>

Any person appointed as an assistant registrar or officer of election shall be prohibited from collecting any fee as a notary for services relating to the administration of elections or the elections law.<sup>91</sup>

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<sup>85</sup> *Id.*

<sup>86</sup> See the Code of Virginia [§49-11](#).

<sup>87</sup> See the Code of Virginia [§2.2-3601](#).

<sup>88</sup> See [Virginia Attorney General Opinion No. 03-068 \(Oct. 17, 2003\)](#).

<sup>89</sup> See the Code of Virginia [§24.2-114\(2\)](#).

<sup>90</sup> See the Code of Virginia [§47.1-19](#).

<sup>91</sup> *Id.*





### I.2.6 Removal

The electoral board may, by a recorded majority vote and on notice, remove from office any general registrar who fails to discharge the duties of the office according to law.<sup>92</sup> The State Board of Elections may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of the office according to law.<sup>93</sup> The State Board of Elections may institute proceedings for the removal of the general registrar if the local electoral board refuses to act.<sup>94</sup>

In the event that a vacancy occurs in the office of general registrar, or the incumbent general registrar becomes unable to perform the duties of the office for an extended period, the electoral board may appoint an acting general registrar.<sup>95</sup> The electoral board and ELECT may arrange for the acting general registrar to receive the compensation designated for the general registrar. However, ELECT will only reimburse the locality for the salary of one incumbent of the position. The locality may still be liable for the salary of a temporarily incapacitated general registrar, under the normal personnel and compensation policies of the locality. The local government attorney or personnel officer should be able to advise the electoral board and the registrar of the appropriate interim compensation policies.

### I.2.7 Compensation

The General Assembly sets the salary of general registrars in the annual Appropriations Act. The current plan is based on factors such as population and a cost of living adjustment in certain urban localities.

To determine the appropriate salary, ELECT uses the most recent official population estimate from the Weldon Cooper Center for Public Service of the University of Virginia.<sup>96</sup> The annual compensation of an incumbent may not be decreased due to declining population during her term.

The general registrar must receive the annual compensation set by the General Assembly and may not be paid less<sup>97</sup> unless when taking an unpaid leave of absence brought about by extenuating circumstances. During any unpaid leave, the chief assistant or another appropriately qualified individual is appointed the acting general registrar by the electoral board.<sup>98</sup>

Any local governing body may choose to pay the general registrar a salary supplement.<sup>99</sup> The general registrar who believes such a supplement is warranted should approach the local governing body with a proposal and justification for the supplement.

The registrar's salary must be paid by the local governing body. The salary amount (not including any supplement) is generally reimbursed to the locality by ELECT on an annual basis.

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<sup>92</sup> See the Code of Virginia §24.2-109.

<sup>93</sup> See the Code of Virginia §24.2-103(C).

<sup>94</sup> *Id.* (referencing §24.2-234).

<sup>95</sup> See the Code of Virginia § 24.2-110.

<sup>96</sup> See [Appropriations Act, Item 87](#). This is determined every July 1.

<sup>97</sup> See the Code of Virginia §24.2-111

<sup>98</sup> See the Code of Virginia § 24.2-110 (electoral board fills vacancies).

<sup>99</sup> See the Code of Virginia §24.2-111.



The locality must provide the same benefits to the general and assistant registrars and staff as provided to other employees of the locality.<sup>100</sup> The local governing body has discretion to determine which benefit programs it can provide (e.g. retirement, medical, dental). Costs of these programs are borne entirely by the locality and/or the registrar, with no reimbursement from the State treasury.

The local governing body shall reimburse the general registrar and electoral board member for reasonable expenses and for mileage at the rate paid to members of the General Assembly when these are incurred while on official business. In the case of a dispute, ELECT will approve or disapprove the reimbursement.<sup>101</sup> These expenses are not reimbursed from the State treasury. “Reasonable expenses” include, but are not limited to, costs for:

- Adequately training the registrar’s staff. This includes the costs of training in the use of computers and other technology, and the cost of the general registrar attending the annual training offered by ELECT.
- Adequately training the officers of election.
- Conducting elections as required by the Code.
- Conducting voter education.<sup>102</sup>

### I.2.8 Attendance/Absences

Effective August 8, 2000, the Secretary of Administration and Attorney General’s office approved the following administrative directive:

Any general registrar who will be out of the office for any reason for *more than* two weeks should provide written or email notice to the Commissioner of Elections or Deputy Commissioner of Elections. (Emphasis added.) The Commissioner will need to know who to contact in the office during the general registrar’s extended absence.

Each locality’s general registrar and electoral board secretary are individually responsible for ensuring that the Commissioner or Deputy Commissioner of Elections receives the required notification. If an electoral board member or general registrar is absent due to unforeseen circumstances, the responsible person present, or staff, must send this notification. Notification should be in advance for any foreseeable absence.

General registrars should expect to work considerable overtime (evenings and weekends) during the busy election season and at other times throughout the year. The electoral board and general registrar should discuss expectations for whether compensatory time will be granted or if the registrar has scheduling flexibility. The general registrar and electoral board may consult the locality’s human resource office for guidelines on overtime.

#### I.2.8.1 Jury Duty Exemption

General registrars, electoral board members, and the staff of either may request exemption from jury service starting 90 days before an election through 10 days after certification or conclusion of any recount or contest.<sup>103</sup> Your local government attorney can assist you with communicating an exemption request to the court.

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<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> See the Code of Virginia [§ 8.01-341.1\(15\)](#).



### I.2.9 Assistant Registrars

In localities with a population of over 15,500, the law requires at least one assistant registrar who serves at least one day a week. In localities with a population under 15,500, the law requires only one substitute registrar who is able to assume the duties of the general registrar in an emergency and who shall assist the general registrar upon request.<sup>104</sup>

A specific provision for Russell County requires at least one full-time assistant registrar who shall serve in the office of the general registrar.<sup>105</sup>

No legal requirement can guarantee the availability of a well-trained assistant able to assume the registrar's duties in the registrar's absence and assist with the daily work of the office. The locality must provide funds to enable the general registrar to obtain the authorized staffing.<sup>106</sup> The electoral board sets the number of assistant registrars based on the statutory formula and the local governing body must fund them in a manner consistent with federal minimum wage requirements and applicable state and local compensation standards.

The general registrar has hiring and supervisory authority over the assistant registrars and establishes their duties. The electoral board has no authority to dictate whom the general registrar hires as assistants.<sup>107</sup> Like ELECT staff and the general registrar, the general registrar's staff must remain nonpartisan and is subject to a prohibition on volunteer campaign activity.<sup>108</sup> The electoral board has ultimate responsibility for administering elections according to law and ensuring that the general registrar staff is competent and qualified to carry out their tasks.<sup>109</sup>

#### I.2.9.1 Qualifications

Although an assistant registrar must be a registered voter of the Commonwealth, he does not have to be registered in the locality served. However, candidates who **are** residents of the locality may be given preference in hiring.<sup>110</sup>

Localities may mutually agree to share an assistant registrar among two or more localities.<sup>111</sup> The localities must work out the details of when and where the assistant will work and how the assistant will be paid. This arrangement may be ongoing, or it may be used for special short-term needs, or as part of a "back up plan" for emergencies. A paid assistant registrar cannot have a family relationship with the general registrar (i.e., cannot be the spouse, parent, grandparent, sibling, child, or grandchild of the general registrar).<sup>112</sup>

<sup>104</sup> See the Code of Virginia §24.2-112.

<sup>105</sup> *Id.*

<sup>106</sup> See [Virginia Attorney General Opinion No. 14-046](#) (Oct. 1, 2014).

<sup>107</sup> See the Code of Virginia §24.2-112.

<sup>108</sup> See the Code of Virginia §§24.2-103(E) (Department of Elections staff requirements), 24.2-110 (general registrar requirements), 24.2-112 (general registrar staff requirements). See also [Virginia Attorney General Opinion No. 03-068 \(Oct. 17, 2003\)](#).

<sup>109</sup> See the [Virginia Constitution Art. II, § 8](#). See also the Code of Virginia §24.2-106.

<sup>110</sup> See the Code of Virginia §24.2-112.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*



### *1.2.9.2 Hiring, Compensation and Benefits*

Assistant registrars are normally hired as employees of the locality<sup>113</sup>, unless they are unpaid (in which case they are not considered state or local employees).<sup>114</sup> As such, hiring should be conducted under the personnel policies of the locality.

### *1.2.9.3 Term of Office*

The electoral board sets the terms for assistant registrars. However, their terms may not extend beyond the term of the general registrar.<sup>115</sup> The general registrar should be familiar with local personnel policies that could affect their assistants, such as restrictions on termination without cause. The personnel director and/or attorney for the locality can provide information and guidance.

### *1.2.9.4 Special Assistant Registrars*

The general registrar may appoint, as a special assistant registrar, a person that is not a qualified voter of the locality. To qualify as a special assistant registrar, the person, while a qualified voter of the locality, must have served continuously for more than ten years as an assistant registrar. Compensation is fixed and paid by the local governing body.<sup>116</sup>

### *1.2.9.5 Unpaid Assistant Registrars*

The general registrar may appoint assistant registrars who agree to serve without pay.<sup>117</sup> These volunteer assistants were used extensively before implementation of the National Voter Registration Act, for example, to staff registration sites at libraries and other public locations. As per §24.2-122, “assistant registrars who agree to serve without pay are not state or local employees for any purpose.” Due to the increased complexity and security required for automated processes, appointment of unpaid assistant registrars is reserved to highly qualified and experienced persons such as retired elections personnel.

## **1.2.10 Other Staff and Volunteers**

The general registrar may decide to use other staff and volunteers in the office on an ongoing or occasional basis.<sup>118</sup> Such staff and volunteers may not exercise the powers of the general or an assistant registrar.<sup>119</sup> For example, they may not make a decision on whether to accept or deny a voter registration application. Localities may have restrictions on hiring or compensating family members. Consulting the local administration before adding staff can prevent potentially serious problems for the electoral board and general registrar.

## **1.2.11 Typical Tasks of the General Registrar and Assistants**

A comprehensive job description for the general registrar should be on file in each county and city. Should you require assistance or clarification relating to the job description, please refer to the duties and qualifications outlined in this chapter.

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<sup>113</sup> *Id.*

<sup>114</sup> See the Code of Virginia §24.2-122.

<sup>115</sup> See the Code of Virginia §24.2-112.

<sup>116</sup> See the Code of Virginia §24.2-113.

<sup>117</sup> See the Code of Virginia §24.2-112.

<sup>118</sup> *Id.*

<sup>119</sup> See the Code of Virginia §24.2-114 (listing the powers of the general registrar).





Below is a large locality's listing of activities of its registrar and assistants. No registrar alone should be expected to perform all these functions. Some functions listed are delegations from the electoral board. 2015 and 2016 legislation officially reassigned to the general registrar (as director of elections) many duties related to absentee voting and campaign finance administration.

- Electoral board support:
  - Work within the community to identify proposed polling places and recommend them to the board.
  - Prepare justification and make recommendations for redistricting, re-precincting, and polling place changes.
  - Manage polling place, district, or precinct changes.
  - Testify before the local governing body as to the reason for the request for changes in precincts or polling places.
  - Review the list of officers of election and prepare a list for approval by the electoral board.
  - Prepare the letters of appointment and oaths.
  - Complete the payroll and compensation work necessary for the officer of election and board's salaries and expenses.
  - Review training materials and write new ones as needed.
- Represent locality as part of state and national election community:
  - Serve on local, state, and federal committees and complete the work these require.
  - Review materials submitted by other registrars and ELECT.
  - Serve on work groups and committees organized by ELECT to address issues of statewide importance.

### 1.2.12 Prohibited Activities

Registrars are prohibited by law from engaging in certain activities (note that paid assistant registrars are subject to the same restrictions as the general registrar).<sup>120</sup>

- A general registrar may not hold any other elected or appointed office while serving as general registrar. However, with the consent of the electoral board, they may undertake other duties that do not conflict with their duties as general registrar.<sup>121</sup>
- A general registrar may not run for any elected office filled by the voters of their locality, either during the term of their appointment, or for six months after their term ends.<sup>122</sup>
- A general registrar may not serve as an officer of election.<sup>123</sup>

A general registrar cannot collect fees from notarization during their appointment. (See 1.2.5). A general registrar may not offer legal, financial, or other advice. Applicants sometimes will ask questions that present issues outside the scope of the official responsibilities of the general registrar (e.g., the tax, financial aid, insurance, or other legal consequences of declaring a voting residence in a particular locality). Complex questions that may present nonelection issues should be referred to your county or city attorney for guidance.

<sup>120</sup> See the Code of Virginia §24.2-112.

<sup>121</sup> See the Code of Virginia §24.2-110.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*



The law provides that no private business enterprise may be conducted in the office of the general registrar.<sup>124</sup>

The general registrar is prohibited by law from serving as the chair or other officer of any political party committee, at the state, local, or district level.<sup>125</sup> A general registrar may not serve as a worker (paid or volunteer) in the campaign of any candidate running for an office elected in whole or part by the voters the general registrar serves.<sup>126</sup> Assistant registrars also cannot serve as a paid or volunteer worker for a campaign for an office elected by the voters served, or serve as the chair or other officer of any political party. Unpaid assistants are not subject to this restriction<sup>127</sup> but any campaign work cannot interfere with nonpartisan service to the public.

General registrars and staff must avoid any activity that can be construed as a conflict with the nonpartisan manner in which the registrar's office is maintained (i.e., that might cause the public to question whether the registrar's duties are carried out in a nonpartisan, fair, and legal manner). For example, registrars and their staff should decline invitations from political parties to offer registration applications to voters at partisan events.<sup>128</sup>

Absolutely no political campaigning, including collecting petition signatures, is allowed in the office of the registrar. Electoral board members and staff are expressly prohibited from collecting candidate petition signatures in any public building owned or leased by locality served.<sup>129</sup>

A general registrar is often asked to express an opinion on an issue or candidate. Registrars must refrain from making any comment that can be construed as partisan.<sup>130</sup> Registrars should express the facts in an unbiased way if compelled to answer.

General registrars are protected from threats or force interfering with the discharge of their duties and should immediately call law enforcement if a concern for safety arises and report to the Commonwealth's attorney concerns about harassment.<sup>131</sup>

In making speeches to groups or lectures to students, general registrars should never express opinions regarding candidates, officeholders, or issues.<sup>132</sup>

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<sup>124</sup> See the Code of Virginia §24.2-411.

<sup>125</sup> See the Code of Virginia §24.2-110.

<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> See the Code of Virginia §24.2-114(4) (expressly prohibiting a registrar from selectively soliciting voter registration). See also [Virginia Attorney General Opinion No. 03-068 \(Oct. 17, 2003\)](#) (general registrars should perform duties in nonpartisan fashion), and [Virginia Attorney General Opinion No. 05-030 \(Apr. 5, 2005\)](#) (all public officers must avoid conduct that undermines public confidence in their ability to perform their duties impartially).

<sup>129</sup> See the Code of Virginia §24.2-106.1.

<sup>130</sup> See [Virginia Attorney General Opinion No. 03-068 \(Oct. 17, 2003\)](#).

<sup>131</sup> See the Code of Virginia §§24.2-1002 and 24.2-1019.

<sup>132</sup> See [Virginia Attorney General Opinion No. 03-068 \(Oct. 17, 2003\)](#).



A general registrar may not selectively solicit voter registration or offer anything of value in exchange for a voter registration application.<sup>133</sup> A registrar may only conduct voter registration in public places open to all citizens, after providing three days' notice in a public area, and at hours announced prior to holding the registration.<sup>134</sup>

Registrars may provide nonpartisan education to any interested group about the need to register and vote. If a registrar addresses one party's function, that registrar must also be available to any other party, independent candidate, or organization.

The registrar's duty to educate and encourage registration generally supports a variety of activities:

- Preparing posters and fliers encouraging voter registration.
- Posting signs encouraging registration.
- Purchasing media advertisements encouraging registration.
- Placing application displays in state designated voter registration agencies and other public locations.
- Offering extended hours and additional locations for voter registration.

### I.2.13 Working Alongside Local Government

The general registrar must often work closely with the city or county's local governing body and other local government officials. Good relationships with local government officials are important to ensure adequate resources and support are provided to the general registrar and electoral board.



#### Best Practice

The general registrar and electoral board should discuss the amount of time and resources that should be directed to locality-specific activities, such as participation in leadership teams and study committees.

However, the voter registration and election administration processes must remain separated from the local political structure to avoid the appearance of undue influence or bias. Expectations should be communicated to the locality to avoid misunderstandings and potential unintended consequences.

Registrars may find it helpful to identify key individuals in a locality to consult on a variety of issues, including: human resource and payroll management; information technology support; budgeting and purchasing; legal and legislative support; mapping and street-file maintenance; public information dissemination; public safety and traffic management; and school division support. The general registrar should also develop a working relationship with the local Circuit Court Clerk.

<sup>133</sup> See the Code of Virginia § 24.2-114(2).

<sup>134</sup> See the Code of Virginia §24.2-412(B).



### 1.3 THE VOTER REGISTRATION OFFICE

The local governing body is required by the Code of Virginia to provide the general registrar with clearly marked and adequately furnished public office space within the locality. The local governing body must also provide postage, stationery, equipment, office supplies, and necessary communications services (e.g. phone, fax, and internet).<sup>135</sup> In addition, the locality must provide adequate funding for computers and support, supplies, and computer training for the general registrar and the staff, as well as sufficient funding for at least one member of the general registrar staff to attend ELECT' mandatory annual training.<sup>136</sup> The Commonwealth of Virginia does not reimburse the locality for training expenses for general registrars, assistant registrars or officers of election.<sup>137</sup>

The general registrar and local electoral board are responsible for securing sufficient funding from the local governing body for the conduct of elections. The locality must pay the entire "cost of conducting elections,"<sup>138</sup> but the Commonwealth pays or reimburses some or all of these expenses:

- the general registrar's base salary<sup>139</sup>
- electoral board salaries<sup>140</sup>
- electoral board expenses (to the extent possible)<sup>141</sup>
- the VERIS system and related expenses
- registration and absentee related forms
- photo identification card applications

#### 1.3.1 Contact Information and Public Access

The general registrar must ensure that the public can easily find contact information for the voter registration office. For example, it is the general registrar's responsibility to list the office telephone number in the telephone directory under "Voter Registration" or "Elections."<sup>142</sup>

The general registrar's office must be clearly marked.<sup>143</sup> Both exterior and interior signs should make the registration office easy for citizens to locate. All voter registration offices must be accessible to persons with disabilities and the elderly.<sup>144</sup> A statement of accessibility, a TTY number (it can be the locality's TTY number), and a number to call to request special accommodations are to be included in all advertising.

#### 1.3.2 Operating Hours

All general registrar offices shall be open a minimum of five days each week.<sup>145</sup>

<sup>135</sup> See the Code of Virginia §24.2-411.

<sup>136</sup> See the Code of Virginia §24.2-111.

<sup>137</sup> *Id.*

<sup>138</sup> See the Code of Virginia §24.2-600.

<sup>139</sup> See the Code of Virginia §24.2-111.

<sup>140</sup> See the Code of Virginia § 24.2-108.

<sup>141</sup> *Id.*

<sup>142</sup> See the Code of Virginia §24.2-411.

<sup>143</sup> *Id.*

<sup>144</sup> See the Code of Virginia §24.2-413.

<sup>145</sup> See the Code of Virginia §24.2-411 (as amended per 2018 Legislative Session SB 379.)





The specific days of normal service each week for general registrars shall be determined by the Commissioner of Elections.<sup>146</sup>

For voter registration conducted outside regular office hours, the general registrar must give at least three days advance notice by posting it on the official website of the locality (if there is one), and publishing it at least once in a newspaper of general circulation in that locality or announcing it at least twice on a television station serving that locality.<sup>147</sup>

If the office has at least one full-time assistant, lunch hours should be staggered so that the office is open continuously during the operating hours for each locality. A person working alone who must leave the office locked and unoccupied should put a note on the door giving the time of return. For example, "Back at 1:15 P.M.," and *not* "Back in 10 minutes."

In addition to normal office hours, each office *must* be open during the following times:

- On any day that has a 7:00 P.M. filing deadline with the local election office<sup>148</sup>
  - Closing time for the office on that day shall be 7:00 P.M.
- On the final day of registration before any election<sup>149</sup>
  - The registration books will close to in person registration at the office's normal closing time, but no earlier than 5:00 P.M.<sup>150</sup>
  - The office must be open a minimum of eight hours that day.<sup>151</sup>
  - If the last day falls on an official holiday, the next day the office is open for business must be considered the final day for registration.
  - The general registrar must give notice of the date, hours, and locations for registering on this final day of registration, at least 10 days in advance.<sup>152</sup>
- On the first *and* second Saturdays immediately preceding all general elections (except May town elections).
  - The office must be open a minimum of eight hours *between* the hours of 8:00 A.M. and 5:00 P.M. to provide in-person absentee voting.<sup>153</sup>
- On the Saturday immediately preceding any primary election, special election, or a May town election.
  - The office must be open a minimum of eight hours *between* the hours of 8:00 A.M. and 5:00 P.M. to provide in-person absentee voting.<sup>154</sup>



<sup>146</sup> *Id.*

<sup>147</sup> See the Code of Virginia § 24.2-415.

<sup>148</sup> See the Code of Virginia §§ 24.2-503, 24.2-507, and 24.2-510.

<sup>149</sup> See the Code of Virginia §§ 24.2-416 (registration records close 21 days before general and primary elections, but shorter times apply for special elections), and 24.2-414 (requiring a final day of registration on the day before registration records close).

<sup>150</sup> See the Code of Virginia § 24.2-414.1

<sup>151</sup> See the Code of Virginia § 24.2-414.

<sup>152</sup> See the Code of Virginia § 24.2-415(A).

<sup>153</sup> See the Code of Virginia § 24.2-701.

<sup>154</sup> *Id.*



The registrar's office is both an official registration site and a polling place with publicly-advertised, authorized hours. There may be occasions when the registrar is working in the office on a day or time when the office is closed, particularly during the pre-election period. If a citizen comes to the office during this time, you cannot allow them to apply to register to vote, apply for an absentee ballot, or cast an absentee ballot,<sup>155</sup> although you may offer them an application to complete and return by mail or when the office is open. These restrictions are necessary to ensure that all voters are treated fairly.

### I.3.3 Closings for Training

- The general registrar may close the office for off-site training purposes, provided that:
  - The office is closed for off-site training for no more than four days each year.
  - **Notice of the closure is posted at least 72 hours in advance, and is posted on the official website of the locality and at least two public places.**<sup>156</sup>
- The general registrar may close the office for training in the office, provided that:
  - This is done on no more than a quarterly basis.
  - The period of closure does not exceed four hours.
  - In this situation, no advance notice need be provided.
- The general registrar **cannot** close the office for either off-site or in-office training:
  - Within the 7 days immediately before and immediately after an election.<sup>157</sup>
  - During the period for in-person absentee voting.<sup>158</sup>
  - On the final registration day.<sup>159</sup>
  - On a deadline specified in the Campaign Finance Disclosure Act of 2006.<sup>160</sup>

### I.3.4 Holidays

The general registrar's office follows the same holiday schedule as that observed by the local governing body – unless that holiday schedule conflicts with one of the mandated open dates specified by law.

<sup>155</sup> See the Code of Virginia §§ 24.2-415 (if voter registration is to take place at times outside of regular office hours, the general registrar must give three days advance notice that this will happen, so the general registrar cannot allow a citizen to register outside of regular office hours if no advance notice has been given) and 24.2-412(A) (voter registration can only take place at preannounced hours).

<sup>156</sup> *Id.*

<sup>157</sup> See the Code of Virginia § 24.2-411.

<sup>158</sup> *Id.* See also the Code of Virginia § 24.2-701 (specifies the periods for in-person absentee voting).

<sup>159</sup> *Id.* See also the Code of Virginia §§ 24.2-414 and 24.2-414.1 (specifying the day and hours of the final registration day).

<sup>160</sup> *Id.* See also the Code of Virginia § 24.2-945 et seq. (the Campaign Finance Disclosure Act of 2006).



## I.4 RECORDS RETENTION AND MAINTENANCE

Record retention is a critical step in office management. General registrars and staff must manage a multitude of records, all of which are critical to the operation of the office and the locality's elections. In all cases, localities are to maintain detailed records of all receipts, invoices, and documents related to the expenditure for a period as specified by the Library of Virginia, and make them available to ELECT or to state or federal auditors when requested. The Library of Virginia (LVA) has the authority to issue regulations governing the retention and disposition of state and local public records.<sup>161</sup> LVA has developed Records Retention & Disposition Schedules outlining the disposition of public records.<sup>162</sup> Please also see Chapter 9 (Records Access and Retention) for additional information.

Consult this schedule before a major shift in record keeping procedures to guarantee that record filing and storage is in accordance with law. Following the retention schedule and record maintenance best practices as outlined by LVA provides a safeguard against records deteriorating due to environmental factors or aging. Further, following best practices assists registrars and staff in finding records quickly to fulfill FOIA requests or any other request for information.

## I.5 GENERAL ASSEMBLY APPROPRIATION ACT

ELECT is required to reimburse local governments for compensation for the general registrar and the three electoral board members, as appropriated by the General Assembly.<sup>163</sup> The annual compensation for the registrars and the board members is set in the Appropriations Act.<sup>164</sup>

ELECT's Business Manager<sup>165</sup> annually establishes the authorized salaries of all general registrars and local electoral board members based on the local population salary levels and criteria stated in the Appropriations Act.<sup>166</sup>

At the beginning of each fiscal year, authorized salary levels for the upcoming fiscal year are communicated to local finance offices and general registrars by way of a formal letter from ELECT Business Manager. To initiate the reimbursement process, ELECT's Business Manager sends an application for reimbursement form to each county/city fiscal department **before but no later than May of the subsequent year**. The appropriate Local Fiscal Official completes and submits the completed application to ELECT's Fiscal Office.

As funding opportunities are released, general registrars and electoral board members are encouraged to follow the instructions provided by ELECT to ensure a timely and complete application for reimbursement.

Any material variances are investigated and resolved. Once resolved, ELECT Business Manager approves the application for processing. Any funds not needed for reimbursement at the end of the year revert back to the General Fund for the Commonwealth of Virginia.

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<sup>161</sup> See the Code of Virginia § 42.1-85.

<sup>162</sup> See [Library of Virginia site](#).

<sup>163</sup> See the Code of Virginia §§24.2-111 and 24.2-108.

<sup>164</sup> See [Appropriations Act, Item 87](#).

<sup>165</sup> Contact [fiscal@elections.virginia.gov](mailto:fiscal@elections.virginia.gov).

<sup>166</sup> See [Appropriations Act, Item 87](#).



## I.6 GRANT EXPENDITURES AND MANAGING ASSETS

From time to time, ELECT will announce grant funded programs available to the localities to assist with improving the administration of elections. As these programs become available, ELECT will announce the funding that is available and the instructions for localities to follow to assist them in obtaining grant funds and how they can be used.

### I.6.1 Expenditures Must Be for Grant Purpose

Localities must certify that assets purchased solely with grant funds are to be used exclusively for grant intended purposes. For expenditures that only partially benefit grant programs, only that portion which is allowable under grant regulations may be funded with grant funds.

### I.6.2 Management of Assets

Asset inventory must be maintained by the locality:

- For the intended purposes and as long as needed, whether or not the grant system continues to be supported by additional grant funds.
- When no longer needed for the original project, the asset may be used according to federal and state regulations.
- When disposed of, the asset must be disposed of according to federal and state laws and regulations.

Record of inventory including controllable assets (*valued at \$4,999 or less*), e.g. laptop computers, Electronic Poll Books (EPB), flash drives, or any Information Technology asset that has a hard drive/memory as well as assets classified as equipment (*valued at \$5,000 or more*), e.g. voting machines must be maintained and must include the following information: <sup>167</sup>

- Description of the asset
- Serial number or other identification number
- Acquisition date
- Cost of the asset
- Percentage of federal, state and local participation in the cost of the asset
- Location of the asset
- Use of the asset
- Condition of the asset
- Disposition/Surplus/Transfer information, including
  - Date of disposal, and
  - Sale price of the asset
  - To whom disposed, surplus or transferred<sup>168</sup>

A physical inventory of assets purchased with grant funds must be taken and the results reconciled with the Inventory Record for Grant Funded Assets form at least once every two years. This includes controllable I.T. assets with hard drives/memory and capital assets.

- For all other controllable I.T. assets with hard drives/memory and capital assets purchased with grant funds, please use the Inventory Record for Grant Funded Assets form.

<sup>167</sup> See [Procedure for the Disposal of Grant Funded Assets](#).

<sup>168</sup> See [Surplus and Disposal Report for Grant Funded Assets](#).



- A locality may use a separate form as long as all required information is present, and accompanied by a signed, original Inventory Record for Grant Funded Assets form that states “See attached.”<sup>169</sup>

When an asset acquired under a federal or state grant is no longer needed for federal or state grant program purposes, disposition of the equipment shall be made as follows:

- Controllable I.T. assets with hard drives/memory with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to ELECT except that the disposition of the asset must be reported to ELECT.<sup>170</sup>
- Items of capital assets/equipment with a current per-unit fair market value equal to or greater than \$5,000 may be retained, sold, or otherwise disposed of by the locality and the federal government or ELECT may have a right to the proceeds resulting from the sale or the disposition of the asset. In addition, the disposition of the asset must be reported to ELECT.<sup>171</sup>
- For more detailed guidance regarding the disposition of grant funded assets, especially Information Technology assets, e.g. computers, E-Poll books, flash drives, etc., see the Procedure for the Disposal of Grant Funded Assets and the Checklist for the Disposal of Grant Funded Assets.

## 1.7 REGISTRATION OFFICES AT THE DEPARTMENT OF MOTOR VEHICLES

Encouraged by the National Voter Registration Act (NVRA), many registrars are establishing offices within Department of Motor Vehicles (DMV) facilities.<sup>172</sup> Since the majority of registrations now come from the DMV, these arrangements have proven advantageous both to expedite the registration process and to reduce registration problems.

### 1.7.1 How to Establish an Office at the DMV

The Code of Virginia gives the general registrar authorization to establish other local or state government agencies, such as the DMV, as ongoing locations for voter registration. As per §24.2-412, this arrangement is “subject to the approval of, and pursuant to an agreement with, the head of the government agency...or [its] designee.” The agreement must be in writing and approved by the local electoral board. Such an agreement must “provide for the appointment of employees of the agency...to serve as assistant registrars.” These appointed assistant registrars are not required to be residents of the locality they were appointed to serve; they need only be qualified voters of the Commonwealth, and serve only within the locality they were appointed to serve.<sup>173</sup>

There are two ways to establish an office at the DMV:

<sup>169</sup> See [Procedure for the Disposal of Grant Funded Assets](#).

<sup>171</sup> *Id.*

<sup>172</sup> See the Code of Virginia §§ 24.2-114(3) (providing that general registrars may participate in staffing for voter registration offices at facilities of the Department of Motor Vehicles) and 24.2-412(B) (authorizing general registrars to set other local or state government agency offices as ongoing locations for voter registration).

<sup>173</sup> See the Code of Virginia § 24.2-412(B).



- Co-location: A satellite office or space within the DMV that is staffed by an employee of the general registrar's office (i.e., an assistant registrar).
- Relocation: Physically moving the registrar's main office to the area DMV facility.

Although there is much overlap in issues involved in co-location and relocation, these methods are discussed separately below.

### I.7.2 Co-location

Since many registrars have established satellite offices within DMV facilities, the DMV state office and ELECT have established a general framework for such activities.

Before offering voter registration, a DMV employee must ask the applicant if (s)he is a citizen of the United States. If so, the DMV clerk will ask the applicant if (s)he wishes to register to vote or change his/her residence address.<sup>174</sup> If the applicant says yes to either, (s)he is given a Print-on-Demand preprinted voter registration application and is instructed to complete the application and take it to the voter registration desk. The assistant registrar will process the application according to established voter registration procedures. There may be variations on this typical process depending on local circumstances.

An assistant registrar at a co-location may handle data entry for changes or new registrants for more than one locality.<sup>175</sup>

A locality should consider the following before it establishes a co-location:

- The participating registrar(s) must staff the site all hours that the DMV is open. Since this is typically more than 40 hours per week, the registrar(s) must ensure that adequate personnel are available. The DMV will not, and should not, provide its own personnel to staff the registration desk at any time;
- The DMV will provide a computer and peripherals (e.g., printers, fax machines, scanners, etc.) for the voter registration space. ELECT and VITA will ensure access to VERIS and ELECT website.

### I.7.3 Relocation

Relocation involves moving the primary registration office (and in most cases the electoral board office) within the DMV facility.<sup>176</sup> Considerations include:

- Office size
  - Does the DMV facility have adequate space to establish a working office?
  - The space must be large enough for day-to-day activities as well as election preparation.
- On-site storage
  - Does the DMV facility have adequate additional space for all the materials, supplies, and equipment that were stored at the former location?

<sup>174</sup> See the Code of Virginia §24.2-410.1(A)

<sup>175</sup> See the Code of Virginia § 24.2-114(3) (allowing general registrars to conduct registration jointly with the registrar of a contiguous locality and to participate in multijurisdictional staffing for voter registration offices at facilities of the Department of Motor Vehicles)

<sup>176</sup> See the Code of Virginia § 24.2-411 (allowing the principal office for voter registration to be located within DMV facilities).



- In some cases storage may be available in the former location, but it should be easily accessible.
- Parking
  - The DMV will need to be able to provide sufficient designated parking spaces for voter registration and absentee voters, including spaces accessible to persons with disabilities.
- Access to facilities
  - What are the provisions for the registrar and his/her employees to have access to bathrooms, lunchroom, etc.?
  - Will the office space be in a place that has full public access?
- Access during DMV off-hours
  - Although DMV offices are generally open for more hours than registration offices, the registrar will need to ensure that there will be full access, including public access, to the office(s) when the DMV is closed.
  - This is particularly important during the candidate filing and pre-election periods.
- Security
  - DMV offices have a greater risk of suffering criminal conduct such as robbery and terrorism, requiring heightened security systems.
  - Will these security systems interfere with normal operation of the registrar's office, especially during DMV off-hours?
  - Will there be adequate security for voter registration and election purposes?
- Computer system
  - Unlike a co-location, with relocation the DMV is not responsible for providing the registrar a computer; therefore, the registrar will have to make arrangements with their locality to provide the cabling and equipment necessary for computer access at the DMV facility.
  - Making these arrangements is often a complex and time-consuming process and should be started well before the actual move.
- Furniture and Equipment
  - What is needed, and who will provide it?



### 1.7.3.1 *Establishing an Agreement with the DMV*

The registrar will need to develop a lease agreement with the DMV for the space. Since DMV authorities have actively encouraged registration office relocations, the cost of leasing space in their facilities is quite low. Such a lease agreement is not between the registrar and the DMV, but between the local governing body and the DMV, since the local governing body is legally responsible for providing the registrar with office space.<sup>177</sup> However, all the particulars in the agreement directly affect the registrar, and thus the registrar should be involved and consulted about the details before any agreement is made. Important issues include the length of lease, and provisions for renewal, termination, and access. It is best to keep hours of operation out of the lease to have the flexibility to change them without having to change the lease. The registrar is encouraged to look at leases from other localities that have relocated to make sure all relevant details have been considered and included.

<sup>177</sup> *Id.*



### *1.7.3.2 Public Notice*

The registrar will need to develop a plan for notifying the public about the move. The general registrar must provide notice not more than 21 days before and not later than 7 days after the change in location using one of three permitted notice methods: (1) posting on the official website of the locality; (2) posting in at least 10 public places; or (3) placing one publication in a newspaper of general circulation in the locality.<sup>178</sup> Voter notification requirements are important to consider in planning the timeframe for the move and costs.

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<sup>178</sup> See the Code of Virginia §24.2-306.





## APPENDIX A

## §24.2-114. DUTIES AND POWERS OF GENERAL REGISTRAR.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of §24.2-412.
2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.
3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.
4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.
5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to §24.2-405, lists of persons who voted furnished pursuant to §24.2-406, and pollbooks used for the conduct of elections.
6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of §24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.
7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.
8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.
9. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with §24.2-422.



10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.
11. Retain the pollbooks in his principal office for two years from the date of the election.
12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.
13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.
14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.
15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia by providing electronically, through ELECT, the information contained in that person's registration application.
16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.
17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.
18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of elections for the locality in which he serves.
19. Attend an annual training program provided by the State Board. A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.



## APPENDIX B

### 2018 LEGISLATION

**SB152** clarifies that the electoral board may include any assistant registrar(s) to serve full time.

**SB264** requires candidates for local and constitutional office in localities with a population of more than 70,000 to file their campaign finance reports with the State Board of Elections electronically.

**SB379** provides that all GR offices are to be open a minimum of five days a week.

**SB474** clarifies that localities can employ officers of election on a contractual basis.

**HB690** exempts counties and cities with a population of 25,000 or less from the requirement that a person appointed to serve as a general registrar must be a qualified voter of the county or city for which she is appointed.

**SB739** requires a former candidate who is no longer seeking election but has not yet filed a final report as required by law and who files by paper to file with the general registrar of the locality in which she sought office. For a former candidate who is no longer seeking election but has not yet filed a final report and files electronically, the State Board is required to notify the general registrar of the locality in which the candidate sought office and to make the information available to the general registrar.

